

## United States District Court

NORTHERN

DISTRICT OF

FILED

CALIFORNIA

2008 JAN 10 A 11:09

UNITED STATES OF AMERICA

V.

Jose SEDENO-Perez  
(Name and Address of Defendant)

RICHARD W. WIEKING

CLERK

CRIMINAL COMPLAINT

NO. DIST. OF CA. S.J.

08 70012 - HRL

CASE NUMBER:

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, May 23, 2007, in Monterey County in the Northern District of California defendant(s) was, (Track Statutory Language of Offense)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326  
I further state that I am a(n) Deportation Officer and that this complaint is based on the following  
Official Title  
facts:

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty (20) years imprisonment, \$100.00 special assessment fee, and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM:

ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Signature of Complainant

Sworn to before me and subscribed in my presence,

1/10/08  
Date

at

San Jose, California

City and State

Howard R. Lloyd  
United States Magistrate Judge  
Name & Title of Judicial Officer

Signature of Judicial Officer

**RE:** SEDENO-Perez, Jose A79 187 896

I am a Deportation Officer of the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) and have been employed since July 7, 1997. I am currently assigned to the Criminal Alien Program (CAP) Unit of the San Jose Sub-Office. In such capacity, I have reviewed the official file relating to the above named individual, which attests to the following:

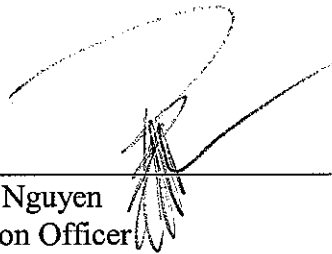
- (1) Mr. SEDENO-Perez is a 40-year-old male who has used four (4) aliases and one (1) date of birth in the past.
- (2) Mr. SEDENO-Perez has been assigned one (1) Alien Registration number of A79 187 896, FBI number of 746368VB3, California Criminal Information Index number of A23451111, and California Department Corrections Number of V39836.
- (3) Mr. SEDENO-Perez is a native of Mexico and a citizen of Mexico since birth. A check through official records shows that he was arrested and deported on five (5) occasions from the United States:

<u>DATE</u>	<u>PLACE OF DEPORTATION</u>
January 20, 2004	Nogales, AZ
February 5, 2004	Calexico, CA
March 2, 2005	Calexico, CA

- (4) Mr. SEDENO-Perez last entered the United States at or near Nogales, AZ on or after March 2, 2005, by crossing the international border without inspection subsequent to deportation.
- (5) Mr. SEDENO-Perez on a date unknown, but no later than May 23, 2007, in Monterey County in the Northern District of California, was found to be unlawfully present in the United States, after prior arrests and deportations, without the permission of the Attorney General or the Secretary of Homeland Security, in violation of Title 8, United States Code, Section 1326. On May 23, 2007, Mr. SEDENO-Perez was interviewed by Immigration Enforcement Agent (IEA) David Picazo at the CTF-Soledad Prison, Soledad, CA, and during that interview, Mr. SEDENO-Perez was advised of his **Miranda** rights in Spanish. Mr. SEDENO-Perez waived his **Miranda** rights and provided a written sworn statement attesting to his alienage, prior deportation, and failure to obtain permission from the Attorney General or the Secretary of Homeland Security to re-enter the United States.

**RE:** MAGALLON-Zamora, Jose Angel A70 450 746

- (6) Mr. SEDENO-Perez was, on April 13, 2002, convicted in the Superior Court of California, in and for the County of Fresno, for the offense of POSSESSION WITH INTENT TO MANUFACTURE METH, an aggravated felony, in violation of Section 11383(c)(1) of the California Health and Safety Code, and was sentenced to two (2) years in prison.
- (7) Mr. SEDENO-Perez was, on October 4, 2005, convicted in the Superior Court of California, in and for the County of Fresno, for the offense of CORPORAL INJURY TO SPOUSE WITH PRIOR, an aggravated felony, in violation of Section 273.5(e) of the California Penal Code, and was sentenced to five (5) years in prison.
- (8) On the basis of the above information, there is probable cause to believe that Mr. SEDENO-Perez illegally re-entered the United States, in violation of Title 8, United States Code, Section 1326.

  
\_\_\_\_\_  
Trong Q. Nguyen  
Deportation Officer  
Immigration and Customs Enforcement

Subscribed and sworn to before me this 10 day of Jan., 2008

  
\_\_\_\_\_  
HOWARD R. LLOYD  
UNITED STATES MAGISTRATE JUDGE